

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**CRYSTAL SOLIS VILLEGAS AND  
LINDA SOLIS VILLEGAS,**

Plaintiffs,

v.

**HIMA, DR. PEDRO TIRADO, DR. H.  
ECHEVERRI et al.**

Defendants

CIVIL NO: 04-1000 (SEC)

MEDICAL MALPRACTICE

TRIAL BY JURY DEMANDED

**OPPOSITION TO MOTION REQUESTING ADDITIONAL  
TIME TO MAKE PAYMENT**

**TO THE HONORABLE COURT:**

**APPEAR NOW** Plaintiffs Crystal Solis Villegas and Linda Solis Villegas through their undersigned attorneys and respectfully state as follows:

This case was mediated by the Honorable Daniel E. Wathen. After two lengthy sessions, the parties reached and signed an agreement on August 29, 2005. Plaintiffs had requested payment in 10 days but defendants wanted the date pushed back to September 28, 2005. In the interest of resolving this case, the parties agreed to the September 28, 2005 payment date. That gave defendants 30 days to deliver the settlement proceeds. Paragraph 12 of the "Memorandum of Understanding" specifically provides that "Any disputes under this agreement shall be resolved by the Honorable Daniel Wathen pursuant to binding arbitration."

Codefendants Dr. Pedro Tirado Menendez and Seguros Triple S, Inc. have filed a motion today requesting an additional ten days to make payment. This should be denied. It is as if these

defendants simply woke up this morning and realized a payment needed to be made today. Despite numerous reminders from plaintiffs' counsel that the paperwork was to be concluded by this September 28, 2005, these defendants dragged their collective feet.

**Payment of the settlement funds was never tied to defendants' pace in completing these papers.** Indeed, the Court's Order of September 15, 2005 was clear that the "parties are instructed to file their settlement papers by September 28, 2005." These defendants cannot be allowed to delay payment because of their own inability to get their own work done on time. It should be noted that defendant HIMA has diligently worked on the settlement papers and is wiring transferring its share of the settlement proceeds today, as agreed .

In short, payment should be made today or some per day penalty sufficiently painful to prevent such foot dragging should be imposed. Initially, a \$1000 per day penalty may encourage prompt payment. If payment is not received by this Friday, September 30, 2005, this penalty should be revised upward.

If this were the first time these particular defendants missed a deadline or caused an inconvenience for the parties in this case, we would be more understanding. Alas, that is not the case and this payment deadline was a material term to this settlement agreement. There should be no delay. While mindful of the need for civility in civil litigation, courtesy should not be confused with allowing a party to simply ignore clear agreements.

If the Court wishes the matter of the amount of penalty to be assigned to Judge Wathen as per the terms of the Memorandum of Understanding, plaintiffs would have no objection to this. In any event, the motion should be denied and codefendants Dr. Pedro Tirado Menendez and Seguros Triple S, Inc. should be ordered to deposit their share of the settlement proceeds today or be

subjected to a per diem penalty of no less than \$1000 per day for the delay.

**WHEREFORE**, Plaintiffs respectfully request that the Honorable Court **DENY** codefendants Dr. Pedro Tirado Menendez and Seguros Triple S, Inc. motion for an additional ten (10) days to pay their share of the settlement and **ORDER** a a per diem penalty of no less than \$1000 per day for the delay.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, on this 28<sup>th</sup> of September, 2005.

**CERTIFICATE OF SERVICE:** I hereby certify that on this same date, I electronically filed the foregoing document with the Court using the ECM/EF system, which will automatically sent notification of such filing attorneys of record in this case.

*Attorneys for Plaintiffs*

**INDIANO & WILLIAMS, P.S.C.**

207 del Parque Street, 3d Floor

San Juan, Puerto Rico 00912

Tel: 787-641-4545; Fax: 787-641-4544

Email: [jeffrey.williams@indianowilliams.com](mailto:jeffrey.williams@indianowilliams.com)

[david.indiano@indianowilliams.com](mailto:david.indiano@indianowilliams.com)

BY: s/Jeffrey M. Williams  
**JEFFREY M. WILLIAMS**  
USDCPR # 202414

BY: s/ David C. Indiano-Vicic  
**DAVID C. INDIANO**  
USDCPR # 200601